

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

JAMES E. SHELTON, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

HEAVY FLUCE INC., D/B/A FLUCE AI,

Defendant.

Case No.: 1:24-cv-01429-KAM-JAM

MOTION TO ADJOURN APRIL 30 CONFERENCE

PLEASE TAKE NOTICE that upon all prior proceedings herein, Defendant Heavy Fluce Inc. d/b/a Fluce AI (“Defendant”), hereby moves this Court before the Honorable Joseph A. Marutollo, United States Magistrate Judge for the Eastern District of New York, at 225 Cadman Plaza East, Courtroom N324, Brooklyn, New York 11201, to adjourn or continue the April 30, 2024 Initial Conference (the “Conference”) (*See* Text Order dated April 18, 2024.) In support of this Motion, Defendant states as follows:

On April 19, 2024, Davis+Gilbert LLP (“D+G”) mailed Fluce AI c/o Ralph Cohen a copy of the Order and Docket sheet in accordance with the Court’s Text Order dated April 18, 2024. (*See* ECF No. 16.) In the interest of time, D+G also emailed Mr. Cohen the same documents. In response to D+G’s email, Mr. Cohen informed D+G of his inability to attend the Conference on April 30 due to his observance of the Passover holiday. Mr. Cohen is also unavailable on April 29 for the same reason. Additionally, the undersigned is unavailable on May 1, 2024 due to a scheduling conflict with another case. Both the undersigned counsel and Mr. Cohen are available at a date thereafter. Accordingly, while D+G’s Motion to Withdraw as Attorney remains pending

(ECF No. 14), D+G respectfully submits this request to inform the Court of Mr. Cohen's unavailability and seek an adjournment of the Conference.

This is Fluce AI's first request for an adjournment of the Conference. Fluce AI previously requested and the Court granted an extension of its deadline to answer, or otherwise respond to, the Complaint. (*See* ECF No. 10 and Text Order dated March 19, 2024). As the deadline for submission of a proposed Discovery Plan and Scheduling Order is adjourned sine die (*see* Text Order dated April 18, 2024), this adjournment will not affect any other existing deadlines or currently scheduled dates.

Fluce AI requested consent from Plaintiff's counsel who indicated that Plaintiff takes no position on the relief requested herein.

WHEREFORE, Defendant and D+G respectfully request that this Motion be granted and that the Conference be adjourned and continued to a date after May 1, 2024, together with such other and further relief as the Court deems just and proper.

Dated: April 19, 2024

DAVIS+GILBERT LLP

/s/ Danielle C. Zolot
Danielle C. Zolot
1675 Broadway
New York, New York 10019
Telephone: (212) 468-4800
Email: dzolot@dglaw.com